

# Committee on Resources

## Subcommittee on Forests & Forest Health

---

### Witness Testimony

---

TESTIMONY OF DEFENDERS OF WILDLIFE  
BEFORE THE HOUSE RESOURCES COMMITTEE  
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH  
ON  
THE COMMITTEE OF SCIENTISTS REPORT:  
SUSTAINING THE PEOPLE'S LAND

by

Mary Munson, Senior Associate, Habitat Conservation

March 16, 1999

Thank you for the opportunity to testify on the Committee of Scientists' historic report. Defenders of Wildlife is a nonprofit organization with 300,000 members and supporters, dedicated to the protection of native wildlife in their natural habitats. On behalf of Defenders, I welcome your interest in forest planning and management, and your willingness to hear the views of the environmental community on this important issue.

In their report, the Committee of Scientists states that protecting bio-diversity is vital to public lands stewardship. To carry that out, it offers an innovative, science-based approach for protecting structures, processes and conditions to sustain wildlife and ecosystems. Overall, the report represents an improvement for planning regulations by strengthening and expanding viability rule and reinforcing ecological sustainability as the foundation of national forest stewardship. The major challenges ahead, and our deepest concern, is that these recommendations are adequately translated into regulations. The regulations must contain clear standards for ecosystem integrity and species viability, as well as objective methods of determining whether the standards are being met.

The report establishes ecological sustainability as the foundation of national forest planning. This conclusion is widely accepted among conservation biologists. It is also intuitively obvious. How can the wide range of uses occur over time if they are harming the conditions necessary to bring them about? Taken in totality, our national environmental laws reinforce this conclusion. We do not believe this is controversial and congratulate the Committee for acknowledging its veracity.

A major innovation in the report is its approach to wildlife protection. It reaffirms the notion that managing forests to maintain the viability of wildlife species is a cornerstone of bio-diversity protection. One of the major criticisms of the existing species viability regulation is that it is difficult to implement. Many witnesses that came before the Committee claimed it was unworkable, since it had been interpreted to require scientific evaluations of all species. The Committee is proposing a trimmed down, more efficient way to protect species viability without giving up that essential component, collecting and analyzing species population and trend data. Instead of requiring this assessment for all species, the Committee applies it to a subset of surrogates known as "Focal Species."\* We believe this compromise is fair and reasonable. The challenge for the agency is to produce regulations that define Focal Species in a way which is true to the Committee's vision, so the agency is responsible for selecting truly representative surrogates for all species in the forest.

But because the subset of species evaluated by the Forest Service will be limited, it is essential that the regulations state that the collection of quantitative inventory data for those

---

\*Focal species indicate the integrity of certain ecological communities or are particularly affected by management actions or certain stresses. Focal species are also selected if they play an ecological engineering role, are threatened with extinction, or play indicator or keystone species roles. Best science is used to assess the conditions necessary to protect and restore viability of focal, threatened, endangered and sensitive species, and management decisions are based on achieving those conditions.

---

species is an indispensable duty. Since the Committee emphasizes that monitoring and adaptive management are integral to planning, data collection for the designated surrogate species must be done on an ongoing basis. Currently, two important sections of the Code of Federal Regulations 36 CFR Sections 219.19 and 219.26, which apply to Management Indicator Species (MIS) might be examined as models, substituting the "Focal Species" for MIS. We believe that the 11th Circuit Court of Appeals ruling on February 8, 1999 in Sierra Club v. Martin defined the intent of those CFR sections as consistent with the intent of the Committee in data collection, assessment and monitoring for Focal Species. Section 219.19(a)(6) states that "[p]opulation trends of the management indicator species will be monitored and relationships to habitat changes determined." Section 219.26 states that diversity must be considered throughout the planning process, and that "[i]nventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present conditions." In Martin, the Court held that those sections, taken together, "require the Forest Service to (lather quantitative data on MIS and use it to measure the impact of habitat changes on the forest diversity." This is the role envisioned for Focal Species, and these sections should be taken as guides when rewriting the new regulations. They should also be used as models for gathering empirical data for threatened, endangered and sensitive species as well.

The current viability regulation limits managers to ensuring viability for only vertebrate species. The Report suggests that this be extended to non-vertebrate native species as well. Also, a full range of natural conditions, processes and habitats would be protected under the proposed planning regime. By including such a broad spectrum of criteria and indicators, the approach reflects current thinking that has been adopted by international experts.

While we generally support the report's recommendations regarding ecological sustainability, we are concerned about some other aspects of the report. For example, the Report states that the plan-implementation priorities for funding in the face of budget shortfalls should be determined during the

collaborative "learning" process. To be consistent with its conclusions about ecological sustainability, the Regulations should clearly state that some elements in planning are not optional. Assessments, analysis and monitoring are examples of indispensable planning steps. If there is no budget available for them, program activities should be curtailed. No "collaborative" group should be allowed the discretion to eliminate them.

One of the most pressing issues in national forests, roadless area protection, was given virtually no attention in the report. Defenders and many other organizations are concerned about the continual pressure applied by the Forest Service to put roads into the relatively small portion of the forests that remain roadless. The basis for pushing these roads forward is timber sales. What makes this so tragic is that these areas command low timber prices and/or have high administrative costs associated with them, so sales are bound to be money-losing for the agency. However, these lands have high values and use by wildlife, as well as conditions and qualities that argue for leaving them roadless. The Committee was remiss in leaving this issue out.

Another concern is that the discussions about collaborative stewardship did not point out the problems associated with self-appointed collaborative groups such as the Quincy Library Group. There needs to be caution about embracing similar bodies and planning processes that engage them.

Thank you again for the opportunity to testify.

###